APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,522	05/20/2002	Juergen Heymann	34874-040NATL	4073

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EXAMINER
BHATIA, AJAY M

ART UNIT	PAPER NUMBER
2445	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/049,522	HEYMANN ET AL.
	Examiner	Art Unit	
	AJAY BHATIA	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2008</u>.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-37</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>20-37</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
     1.☐ Certified copies of the priority documents have been received.
     2.☐ Certified copies of the priority documents have been received in Application No. _____.
     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Response to Arguments

Applicant's arguments filed 12/3/2008 have been fully considered but they are

not persuasive.

Applicant argues that Shuster does not teach a predetermined close instruction

examiner disagrees, Shuster send a script from the server to the client browser, which

is a predetermined closed instruction. Additionally in paragraph 34, the script also

provides for the disposal of memory, which prevents the browser from using the cache.

If the memory is deleted then there is no content in the cache that can be read. In

addressing the time-out feature examiner has relied upon Himmel, which applicant has

not addressed for teaching the time-out feature, See Col. 9 lines 12-20, inactivity time-

out, Col. 10 lines 6-14, displaying the time. Applicant in arguing the claimed invention

does not provide any interpretation of the claim terminology and has not provide any

guidance from the specification therefore the examiner has relied upon the broadest

possible interpretation of the claims, which the combination of Shuster and Himmel

teach. Therefore applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 20-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shuster (United States Patent Application Publication 2001/0001863) and Himmel et al.

(United States Patent 6,317,782).

For claim 20, Shuster teaches, a method for communication between a client computer

and a server computer, wherein both the client computer and the server computer use

the hypertext transfer protocol (HTTP) and the client computer uses a HTTP-browser,

the method comprising:

sending a first request from the client computer to the server computer; (Shuster,

paragraph 31, access)

upon receiving the first request, the server computer establishing a session by

allocating a resource at the server computer, the resource including an identifier, and

returning, in response to the first request, a predetermined close instruction to the

browser at the client computer, the close instruction carrying the identifier identifying the

session at the resource, the predetermined close instruction representative of a start of

communication session between the client computer and the server computer; (Shuster,

paragraph 34, exit)

upon unloading at the browser the predetermined close instruction received from

the server computer, sending a second request from the client computer to the server

computer to indicate initiation of the predetermined close instruction by the browser, the

second request carrying the identifier and indicating to de-allocate the resource at the

server computer, the predetermined close instruction, when received, preventing the

browser from using content in a cache at the client computer, such that the browser

uses content from the server computer, the predetermined close wherein upon

unloading includes at least one of a closing of the browser and a navigation away to

another page presented at the browser; (Shuster, paragraph 34, exit)

and upon receiving the second-request from the client computer, the server

computer de-allocating the resource. (Shuster, paragraph 34, memory)

Shuster fails to clearly disclose, instruction including a time-out period representative of

an idle time associated with lack of content page request from the client computer to the

server computer, the server computer de-allocating the resource when the idle time

reaches the time-out period,

Himmel teaches, instruction including a time-out period representative of an idle time

associated with lack of content page request from the client computer to the server

computer, the server computer de-allocating the resource when the idle time reaches

the time-out period, (Himmel, Col. 9 lines 12-20, inactivity time-out, Col. 10 lines 6-14,

displaying the time)

both Shuster and Himmel are in the field of websites

Shuster and Himmel are compatible because Shuster allows for a modification of the

rules, (Shuster, paragraph 37)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Shuster with that of Himmel, because Himmel provides the added benefit of being able to direct the content to users. (Himmel, Col. 3 lines 42-46)

For claim 21, Shuster-Himmel teach, the method of claim 20, wherein after the server computer has returned the predetermined close instruction, and before the server computer receives the second request from the client computer, the server computer consecutively sends content pages to the client computer. (Shuster, paragraph 43, display)

For claim 22, Shuster-Himmel teach, the method of claim 21, wherein the step returning a predetermined close instruction, the browser presents the close instruction in a first frame and presents the content in a second frame. (Shuster, paragraph 10, frame)

For claim 23, Shuster-Himmel teach, the method of claim 21, wherein the close instruction prevents selected content pages from being cached by the browser. (Shuster, paragraph 34, memory)

For claim 24, Shuster-Himmel teach, the method of claim 20, wherein the step sending

a second request, the client computer sends the second request to a predetermined

address of the server computer. (Shuster, paragraph 34, directing website)

For claim 25, Shuster-Himmel teach, the method of claim 20, wherein the step returning

a predetermined close instruction, the predetermined closes instruction comprises

script. (Shuster, paragraph 42, script)

For claim 26, Shuster-Himmel teach, the method of claim 20, wherein the step returning

a predetermined close instruction, the script does not lead to a presentation by the

browser. (Shuster, paragraph 42, exit)

For claim 27, Shuster teaches, a computer program product for HTTP communications

between a client computer and a server computer, wherein the client computer includes

a browser, the computer program product including program code portions embodied in

a computer readable medium that cause a client processor in the client computer and a

server processor in the server computer to control the communication, the computer

program further comprising:

      code portions that cause the client processor to send a first request to the server

computer; (Shuster, paragraph 31, access)

      code portions that – upon receiving the first request by the server computer-

cause the server processor to allocate a resource at the server computer, the resource

including an identifier, and return, in response to the first request, a predetermined close

instruction to the browser at the client computer, the close instruction carrying the

identifier, the predetermined close instruction representative of a start of a

communication session between the client computer and the server computer; (Shuster,

paragraph 34, exit)

 code portions that upon unloading at the browser the predetermined close

instruction received from the server computer – cause the client processor to send a

second request to the server computer to indicate initiation of the predetermined close

instruction by the browser, the second request carrying the identifier and indicating to

the de-allocate the resource at the server computer, the predetermined close

instruction, when received, preventing the browser from using content in a cache at the

client computer, such that the browser uses content from the server computer, the

predetermined close, when upon unloading includes at least one of a closing of the

browser and a navigating away to another page presented at the browser; (Shuster,

paragraph 34, exit)

 and code portions that – upon receiving the second request from the client

computer- cause the server processor to de-allocate the resource. (Shuster, paragraph

34, memory)

Shuster fails to clearly disclose, instruction including a time-out period representative of

an idle time associated with a lack of content page request from the client computer to

the server computer, the server computer de-allocating the resource when the idle time

reaches the time-out period,

Himmel teaches, instruction including a time-out period representative of an idle time

associated with a lack of content page request from the client computer to the server

computer, the server computer de-allocating the resource when the idle time reaches

the time-out period, (Himmel, Col. 9 lines 12-20, inactivity time-out, Col. 10 lines 6-14,

displaying the time)

both Shuster and Himmel are in the field of websites

Shuster and Himmel are compatible because Shuster allows for a modification of the

rules, (Shuster, paragraph 37)

It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to combine Shuster with that of Himmel, because Himmel

provides the added benefit of being able to direct the content to users. (Himmel, Col. 3

lines 42-46)

For claim 28, Shuster-Himmel teach, the computer program product of claim 27,

wherein the code portions cause the client processor to provide such a close instruction

that the browser provides a first frame to present the close instruction in a first frame

and provides a second frame to present content pages that the client computer receives

from the server computer. (Shuster, paragraph 10, frame)

For claim 29, Shuster-Himmel teach, the computer program product of claim 27,

wherein the code portions cause the client processor to provide such a close instruction

that caching of selected content pages by the browser is prevented. (Shuster,

paragraph 34, memory)

For claim 30, Shuster-Himmel teach, the computer program product of claim 27,

wherein the code portions cause the client processor to provide such a close instruction

that the client computer sends the second request to a predetermined address of the

server computer. (Shuster, paragraph 34, website)

For claim 31, Shuster-Himmel teach, a computer readable medium storing program

code portions of the computer program product of claim 27 that cause the client

processor to operate. (Shuster, paragraph 3, CD-Rom)

For claim 32, Shuster-Himmel teach, a computer readable medium storing the program

code portions of the computer program product of claim 27 that cause the server

processor to operate. (Shuster, paragraph 30, server)

For claim 33, Shuster teaches, a computer system including a client computer and a server computer, wherein both the client computer and the server computer use HTTP for communication and the client computer uses an HTTP-browser the computer system characterized in that:

the client computer sends a first request to the server computer; (Shuster, paragraph 31, access)

the server computer upon receiving the first request allocates a resource including an identifier, and returns, in response to the first request, a predetermined close instruction to the browser of the client computer, the close instruction carrying the identifier, the predetermined close instruction representative of a start of a communication session between the client computer and the server computer; (Shuster, paragraph 34, exit)

the client computer, upon unloading at the browser the predetermined close instruction received from, the server computer, sends a second request to the server computer to indicate initiation of the predetermined close instruction by the browser, the second request carrying the identifier and indicating to de-allocate the resource at the server, the predetermined close instruction, when received, preventing the browser from using content in a cache at the client computer, such that the browser uses content from the server computer, the predetermined close, wherein upon unloading includes at least one of a closing the browser and a navigation away to another page presented at the browser; (Shuster, paragraph 34, exit)

and the server computer, upon receiving the second request from the client computer, de-allocates the resource. (Shuster, paragraph 34, memory)

Shuster fails to clearly disclose, instruction including a time-out period representative of an idle time associated with a lack of content page requests form the client computer to the server computer, the server computer de-allocating the resources when the idle time reaches the time-out period,

Himmel teaches, instruction including a time-out period representative of an idle time associated with a lack of content page requests form the client computer to the server computer, the server computer de-allocating the resources when the idle time reaches the time-out period, (Himmel, Col. 9 lines 12-20, inactivity time-out, Col. 10 lines 6-14, displaying the time)

both Shuster and Himmel are in the field of websites

Shuster and Himmel are compatible because Shuster allows for a modification of the rules, (Shuster, paragraph 37)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Shuster with that of Himmel, because Himmel

provides the added benefit of being able to direct the content to users. (Himmel, Col. 3 lines 42-46)

For claim 34, Shuster-Himmel teach, the computer system of claim 33, wherein the client computer presents the close instruction in a first frame and presents the content pages in a second frame. (Shuster, paragraph 10, frame)

For claim 35, Shuster-Himmel teach, the computer system of claim 33, wherein the server computer provides the close instruction such that the client computer the close instruction prevents selected content pages from being cached by the browser. (Shuster, paragraph 34, memory)

For claim 36, Shuster teaches, a method for communication between a client computer and a server computer, both computers using the hypertext transfer protocol (HTTP) and the client computer using an HTTP-browser, the method comprising:

sending a request from the client computer to the server computer; (Shuster, paragraph 31, access)

upon receiving the request, the server computer:

allocating a resource at the server computer, the resource including an identifier and returning a close instruction to the client computer, de-allocating the resource, the close instruction; (Shuster, paragraph 34, memory)

and upon receiving the close instruction, the predetermined close instruction representative of a start of a communication session between the client computer and the. server computer, the client computer: (Shuster, paragraph 34, exit)

the predetermined close instruction, when received, preventing the browser from using content in a cache at the client computer, such that the browser uses content from the server computer. (Shuster, paragraph 34, memory)

Shuster fails to clearly disclose, a time-out period (T), including the time-out period (T) and the identifier, measuring the time (t) during which communication between the client computer and the server computer is idle, and when the measured time (t) reaches the time- out period (T), measuring the time (t) during which the communication between the client computer and the server computer is idle, and displaying a warning to the user if the measured time (t) reaches a predetermined fraction (T/X) of the time-out period (T)

Himmel teaches, a time-out period (T), including the time-out period (T) and the identifier, measuring the time (t) during which communication between the client computer and the server computer is idle, and when the measured time (t) reaches the time- out period (T), measuring the time (t) during which the communication between the client computer and the server computer is idle, and displaying a warning to the user if the measured time (t) reaches a predetermined fraction (T/X) of the time-out period

(T) (Himmel, Col. 9 lines 12-20, inactivity time-out, Col. 10 lines 6-14, displaying the time)

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Shuster and Himmel are compatible because Shuster allows for a modification of the rules, (Shuster, paragraph 37)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Shuster with that of Himmel, because Himmel provides the added benefit of being able to direct the content to users. (Himmel, Col. 3 lines 42-46)

For claim 37, Shuster teaches, a computer program product for controlling HTTP-communication between a client computer and a server computer, wherein the client computer has a browser, the computer program product including a client program portion embodied in a computer readable medium to control a client processor and a server program portion to control a server processor, wherein the client program product portion causes the client processor to send a request from the client computer to the server computer; (Shuster, paragraph 31, access)

wherein, upon receiving the request by the server computer, the server program

portion causes the server processor to allocate a resource at the server computer, the

resource including an identifier, to return a close instruction to the client computer, and

to de-allocate the resource, the predetermined close instruction representative of a start

of a communication session between the client computer and the server computer,;

(Shuster, paragraph 34, exit)

when received, preventing the browser from using content in a cache at the client

computer, such that the browser uses content from the server computer. (Shuster,

paragraph 34, memory)

Shuster fails to clearly disclose, a time-out period (T), the close instruction including the

time-out period (T) and the identifier to measure the time (t) during which

communication between the client computer and the server computer is idle, when the

measured time (t) reaches the time-out period (T), wherein, upon receiving the close

instruction by the client computer, the client program portion causes the client processor

to measure the time (t) during which the communication between the client computer

and the server computer is idle, and to display a warning to the user if the measured

time (t) reaches a predetermined fraction (T/X) of the time- out period (T), the

predetermined close instruction

Himmel teaches, a time-out period (T), the close instruction including the time-out

period (T) and the identifier to measure the time (t) during which communication

between the client computer and the server computer is idle, when the measured time
(t) reaches the time-out period (T), wherein, upon receiving the close instruction by the
client computer, the client program portion causes the client processor to measure the
time (t) during which the communication between the client computer and the server
computer is idle, and to display a warning to the user if the measured time (t) reaches a
predetermined fraction (T/X) of the time- out period (T), the predetermined close
instruction' (Himmel, Col. 9 lines 12-20, inactivity time-out, Col. 10 lines 6-14, displaying
the time)

both Shuster and Himmel are in the field of websites

Shuster and Himmel are compatible because Shuster allows for a modification of the
rules, (Shuster, paragraph 37)

It would have been obvious at the time the invention was made to a person having
ordinary skill in the art to combine Shuster with that of Himmel, because Himmel
provides the added benefit of being able to direct the content to users. (Himmel, Col. 3
lines 42-46)

Conclusion

The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure. See attached Notice of references cited (if appropriate).

    THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

    A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

    Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. Also any interview requests should be faxed directly to the examiner at (571)-273-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry D Donaghue/

Primary Examiner, Art Unit 2454